IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,	)	**Criminal Case No. 5:03cr30054-1**
	)	
v.	)	**2255 MEMORANDUM OPINION**
	)	
MARK WAYNE WOODS.	)	**By: Norman K. Moon**
	)	**United States District Judge**

Petitioner, Mark Wayne Woods, a federal inmate proceeding *pro se*, has filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. However, court records indicate that Woods has previously filed a § 2255 motion which the court dismissed. Therefore, the court finds that this action must be dismissed without prejudice as a successive.

I.

Woods challenges his 1,128-month sentence and convictions for conspiring to distribute and possess with the intent to distribute fifty grams or more of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 846; possessing a firearm in furtherance of a drug trafficking crime with regard to the conspiracy to distribute charge, in violation of 18 U.S.C. § 924(c)(1); three counts of possessing a controlled substance- methamphetamine, in violation of 21 U.S.C. § 844(a)(1); three counts of possessing a firearm in furtherance of a drug trafficking crime with regard to the conspiracy to distribute charge, in violation of 18 U.S.C. § 924(c)(1); and four counts of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Court records indicate that Woods previously filed a § 2255 motion regarding the same convictions and sentence which this court denied. See Docket Nos. 208, 234, and 235. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Woods has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive §2255 motion, the court must dismiss his petition as successive.[1]

II.

For the reasons stated, the court dismisses Woods' § 2255 motion without prejudice as successive.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the petitioner.

ENTER: This 19th day of July, 2012.

NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

[1] Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.